

PA-FRP-079



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

AUG 05 2004

ORIGINAL

VIA FAX and FIRST CLASS MAIL,
RETURN RECEIPT REQUESTED

Seth Cooley, Esquire
Duane Morris
One Liberty Place
Philadelphia, PA 19103-7396
fax: 215-979-1020

RE: Carlos R. Leffler, Inc./CRL Holdings, LP
Finding of SEP Completion - Wetlands Supplemental Environmental Project
Civil Action No. 99CV-3027

Dear Mr. Cooley:

I am in receipt of your letter, dated May 26, 2004, in which you requested that the Environmental Protection Agency, Region III ("EPA") issue a finding that the Supplemental Environmental Project ("SEP") involving the expansion and improvement of wetlands has been completed. Your letter was accompanied by a Certification from Patrick J. Castagna, President of CRL New Corp. (formerly known as Carlos R. Leffler, Inc.), stating that the SEP has been fully implemented. Based on information provided by your client and on an inspection of the wetlands SEP, I am making the following determinations on behalf of EPA:

1. In June 1999, the United States Environmental Protection Agency, Region III ("EPA" or "the Agency") filed a Complaint against Carlos R. Leffler, Inc. ("Leffler") seeking the assessment of a civil penalty for violations of regulations promulgated under the Clean Water Act, as amended, ("CWA"), pursuant to Section 311(b)(7)(C) of the CWA, 33 U.S.C. § 1321(b)(7)(C).
2. On June 15, 1999, EPA and Leffler entered into a Consent Decree ("CD") resolving this matter. As part of this settlement, the parties agreed to a civil penalty in the amount of \$435,000 for violations of the oil spill response and prevention regulations promulgated at 40 C.F.R. Part 112. Leffler has paid the \$435,000 civil penalty.

3. The civil penalty of \$435,000 was based in part upon Leffler's agreement to perform a Supplemental Environmental Project ("SEP"), as specified in the CD. The SEP involved expanding and enhancing wetlands owned by Leffler in Walker Township, Juniata County, Pennsylvania, and transferring the wetlands and associated uplands to the Central Pennsylvania Conservancy.
4. Leffler's successor provided to EPA a SEP Completion Report and documents evidencing that the SEP was completed and that the property was transferred to the Central Pennsylvania Conservancy.
5. Leffler's SEP Completion Report indicates that the SEP resulted in expansion and improvement of the wetlands at the cost of over \$212,665.65. The Report also indicates that the project, which has resulted in environmental benefits, was completed in accordance with the CD.
6. Pursuant to Paragraph 38 of the CD, and based on EPA's inspection of the wetlands and review of the SEP Completion Report, the Agency finds that Leffler and its successor have fully performed the SEP and complied with the SEP conditions. Therefore, EPA accepts the SEP Completion Report.

If you have further questions about this matter, please contact Natalie L. Katz, Senior Assistant Regional Counsel, at 215-814-2615. EPA will contact the United States Attorney's Office to arrange for termination of the Consent Decree.

Sincerely,



Abraham Ferdas
Director
Hazardous Site Cleanup Division

cc: Natalie L. Katz, Senior Assistant Regional Counsel
Jeff Lapp, Wetlands Program Coordinator
Regina Starkey, SPCC Coordinator
Linda Ziegler, FRP Coordinator
Water Enforcement Division, EPA Headquarters (Via Tom Charlton)
K.T. Newton, U.S. Attorney's Office
Central Pennsylvania Conservancy